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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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JOHN TUPPER,

§

Plaintiff,

§

*versus*

§ CIVIL ACTION NO. 9:22-CV-162

THOMAS BROUWER, *et al.*,

§

Defendants.

§

**ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff John Tupper, a prisoner confined at the LeBlanc Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Thomas Brouwer, B. Barnett, Charles C. Hudnall, Rhonda R. Maxie, Misty R. Harkrider, Joe D. Vinson, Timothy S. Parker, Stephen M. Willis, Shemika T. Jackson, Chris Norsworthy, and Lequita L. Chavis.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the action without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report and recommendation of the magistrate judge (#6) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 17th day of January, 2023.

*Marcia A. Crone.*

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE